

Amendment No. 1 to Amendment 1 to HB1038

**West
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AMEND Senate Bill No. 172*

House Bill No. 1038

by deleting Section 4 of the bill as amended and by substituting instead the following new language:

SECTION 4. Tennessee Code Annotated, Section 50-6-244 is amend by adding the following language as a new, appropriately designated subsection:

() (1) If the commissioner of the department of labor and workforce development, or the commissioner's designee, determines a statistical data form has not been filed in a matter in which it was required, the commissioner or the commissioner's designee may assess a monetary penalty against the insurance company for the employer or against the employer, if self-insured, for each form that is not filed as required. The amount of the monetary penalty shall not exceed one hundred dollars (\$100) for each form that is not filed.

(2) If the commissioner of the department of labor and workforce development, or the commissioner's designee, determines a statistical data form has not been fully completed, the commissioner or the commissioner's designee may assess a monetary penalty against the insurance company for the employer or against the employer, if self-insured, for each form that is not fully completed. the amount of the monetary penalty shall not exceed twenty-five dollars (\$25.00) for each form that is not fully completed; provided, the monetary penalties assessed against an individual insurance company or self-insured employer shall not exceed an aggregate amount of five thousand dollars (\$5,000) per calendar year. No monetary penalty shall be assessed by the commissioner or commissioner's designee more than ninety (90) days after the date upon which the division of

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workers' compensation received the statistical data form. No monetary penalty shall be assessed due solely to the failure to provide information on the statistical data form that is solely within the knowledge of the employee or due solely to the failure of the employee to sign the statistical data form.

(3) The commissioner shall endeavor to notify insurance companies licensed to write workers' compensation coverage in the state of Tennessee and employers who are self-insured pursuant to §50-6-405 of the provisions of this section prior to January 1, 2004.

(4) An insurance company or self-insured employer assessed a monetary penalty by the commissioner or the commissioner's designee pursuant to this subsection shall have the right to appeal the penalty pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The commissioner of labor and workforce development, or an agency member appointed by the commissioner, shall have the authority to hear as a contested case an administrative appeal of any monetary penalty assessed pursuant to this subsection.

AND FURTHER AMEND by deleting Section 15 of the bill as amended and by substituting instead the following new language:

SECTION 15. For the purposes of Section 4, Subdivision 3, this act shall take effect upon becoming a law the public welfare requiring it. For all other purposes this act shall take effect January 1, 2004, the public welfare requiring it.